

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board
of Medical Examiners

By: Carmen A. Rodriguez
Deputy Attorney General
Tel. (973)648-3696

FILED

April 3, 2008

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

ZEV FAINSILBER, M.D.
License No. MA51627

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action
MODIFIED CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about October 17, 2007, the Arizona Medical Board ("Arizona Board"), filed a Consent Agreement for a Letter of Reprimand and Dismissal of Judicial Review Action finding that Zev Fainsilber, M.D. ("Respondent") failed to appropriately refer a patient with suspected melanoma, engaged in inappropriate contact with a patient, and failed to maintain adequate records for patient F.B. Specifically, the Arizona Board alleged that Respondent engaged in

CERTIFIED TRUE COPY

conduct or practice which is or might be harmful or dangerous to the health of the patient or public as defined in A.R.S. § 32-1401(27)(q) by failing to properly refer a patient with suspected melanoma and that the respondent's conduct constituted unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) for failing or refusing to maintain adequate records on a patient.

On or about October 17, 2007, the Arizona Board entered a Consent Agreement placing Respondent's license to practice as a physician on probation for a period of five (5) years beginning on October 13, 2006 and issuing a Letter of Reprimand for failing to appropriately refer a patient with suspected melanoma to a specialist and for failing to properly enter and maintain FB's patient record in accordance with relevant medical standards. By entry of the Consent Agreement all of Respondent's interactions with female patients are to take place in the presence of another female licensed healthcare provider or chaperone, who must be present in all settings, be employed by Respondent, or the hospital or clinic where he is treating the patient, document her presence by signing, ~~dating, and legibly printing her name on the patient's chart at the~~ time of the examination, and report any inappropriate behavior to Respondent and the Board. Additionally, Respondent was required to immediately obtain a treating therapist, approved by Board staff, and remain in treatment with the therapist for boundary issues and psychosocial issues for a minimum of twenty-four (24) months and comply with the therapist's recommendations for continuing care and

treatment. Respondent was also ordered to document satisfactory completion of fifteen (15) hours of Continuing Medical Education ("CME") in medical records. These CME hours are to be pre-approved by the Board and completed within six (6) months of October 13, 2006 and are in addition to the hours required for the biennial renewal of Respondent's medical license.

The above disciplinary action taken by the sister state of Arizona provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that, Respondent was found to have engaged in professional or occupational misconduct by a sister state agency.

It appearing that Respondent wishes to resolve this matter without formal proceedings and for good cause shown,

ACCORDINGLY, IT IS on this 3rd day of April, 2008,

ORDERED AND AGREED THAT:

1. A formal reprimand is placed on Respondent's license to practice medicine and surgery in the State of New Jersey for professional misconduct in violation of N.J.S.A. 45:1-21(e).

2. Respondent shall not engage in the practice of medicine and surgery in New Jersey until such time as he has demonstrated that he has an active, unrestricted license in the State of Arizona.

3. Prior to Respondent engaging in the active practice of medicine and surgery in the State of New Jersey, he shall appear before the Board of Medical Examiners or a committee thereof to demonstrate that he has completely satisfied the conditions placed on his license to practice medicine in Arizona and, that his Arizona license is active and unrestricted and that he is fit to practice medicine and surgery in New Jersey. Commencement of active practice may be subject to conditions the Board deems protective.

4. Respondent agrees that any violation of this Consent Order, or the Order of the Arizona Medical Board, may serve as the basis for further disciplinary action pursuant to N.J.S.A. 45:1-21, including revocation or suspension of his Jersey license to practice medicine and surgery.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

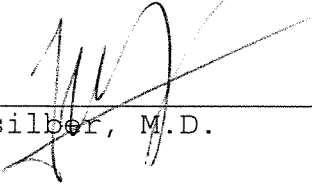
Mario A. Criscito, M.D.

By:

Mario Criscito, M.D.
Board President

I have read and understand the
within Consent Order. I hereby

agree to be bound by the terms
of the within Consent Order.
Consent is hereby given to the
Board to enter into this Order.



Zev Fainsilber, M.D.

03/13/08

Date

Consent as to form and entry:

, Esq.

Date